

STATE OF SOUTH CAROLINA

(Caption of Case)
In the Matter of

Amended Project Development Application of Duke
Energy Carolinas, LLC for Approval of Decision to
Incur Nuclear Generation Pre-Construction Costs

228671
BEFORE THE
PUBLIC SERVICE COMMISSION
OF SOUTH CAROLINA

COVER SHEET

DOCKET

NUMBER: 2011 - 20 - E

(Please type or print)

Submitted by: Robert Guild

SC Bar Number: 2358

Address: 314 Pall Mall Street
Columbia, SC 29201

Telephone: 803 252 1419

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Other: _____

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

DOCKETING INFORMATION (Check all that apply)

- ☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously
- ☒ Other: Petition to Intervene

| INDUSTRY (Check one) | NATURE OF ACTION (Check all that apply) | | |
|--|--|--|--|
| <input checked="" type="checkbox"/> Electric | <input type="checkbox"/> Affidavit | <input type="checkbox"/> Letter | <input type="checkbox"/> Request |
| <input type="checkbox"/> Electric/Gas | <input type="checkbox"/> Agreement | <input type="checkbox"/> Memorandum | <input type="checkbox"/> Request for Certification |
| <input type="checkbox"/> Electric/Telecommunications | <input type="checkbox"/> Answer | <input type="checkbox"/> Motion | <input type="checkbox"/> Request for Investigation |
| <input type="checkbox"/> Electric/Water | <input type="checkbox"/> Appellate Review | <input type="checkbox"/> Objection | <input type="checkbox"/> Resale Agreement |
| <input type="checkbox"/> Electric/Water/Telecom. | <input type="checkbox"/> Application | <input type="checkbox"/> Petition | <input type="checkbox"/> Resale Amendment |
| <input type="checkbox"/> Electric/Water/Sewer | <input type="checkbox"/> Brief | <input type="checkbox"/> Petition for Reconsideration | <input type="checkbox"/> Reservation Letter |
| <input type="checkbox"/> Gas | <input type="checkbox"/> Certificate | <input type="checkbox"/> Petition for Rulemaking | <input type="checkbox"/> Response |
| <input type="checkbox"/> Railroad | <input type="checkbox"/> Comments | <input type="checkbox"/> Petition for Rule to Show Cause | <input type="checkbox"/> Response to Discovery |
| <input type="checkbox"/> Sewer | <input type="checkbox"/> Complaint | <input checked="" type="checkbox"/> Petition to Intervene | <input type="checkbox"/> Return to Petition |
| <input type="checkbox"/> Telecommunications | <input type="checkbox"/> Consent Order | <input type="checkbox"/> Petition to Intervene Out of Time | <input type="checkbox"/> Stipulation |
| <input type="checkbox"/> Transportation | <input type="checkbox"/> Discovery | <input type="checkbox"/> Prefiled Testimony | <input type="checkbox"/> Subpoena |
| <input type="checkbox"/> Water | <input type="checkbox"/> Exhibit | <input type="checkbox"/> Promotion | <input type="checkbox"/> Tariff |
| <input type="checkbox"/> Water/Sewer | <input type="checkbox"/> Expedited Consideration | <input type="checkbox"/> Proposed Order | <input type="checkbox"/> Other: <u>OK</u> |
| <input type="checkbox"/> Administrative Matter | <input type="checkbox"/> Interconnection Agreement | <input type="checkbox"/> Protest | |
| <input type="checkbox"/> Other: | <input type="checkbox"/> Interconnection Amendment | <input type="checkbox"/> Publisher's Affidavit | |
| | <input type="checkbox"/> Late-Filed Exhibit | <input type="checkbox"/> Report | |

RETURN DATE: OK
SERVICE: OK

ROBERT GUILD

Attorney at Law

314 Pall Mall • Columbia, South Carolina 29201 • 803-252-1419 • bguild@mindspring.com

March 18, 2011

Ms. Jocelyn D. Boyd
Chief Clerk
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, SC 29211

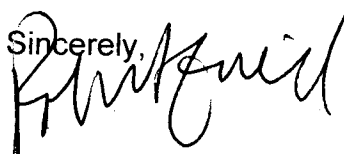
Re: Amended Project Development Application of Duke Energy Carolinas, LLC for
Approval of Decision to Incur Nuclear Generation Pre-Construction Costs
Docket No. 2011-20-E

Dear Ms. Boyd:

Enclosed please find for filing and consideration a Petition to Intervene in this proceeding, together with Certificate of Service reflecting service upon the parties of record.

With kind regards I am

Sincerely,



Robert Guild

Encl.s
CC: Parties of Record



BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-20-E

| | | |
|--|---|---------------------------------|
| In the Matter of |) | |
| |) | |
| Amended Project Development Application of |) | PETITION TO INTERVENE BY |
| Duke Energy Carolinas, LLC for Approval of |) | SOUTH CAROLINA COASTAL |
| Decision to Incur Nuclear Generation Pre- |) | CONSERVATION LEAGUE |
| Construction Costs |) | |

The South Carolina Coastal Conservation League (CCL) , on behalf of their members who will be adversely affected by the approval of the subject Application, hereby petitions the Commission pursuant to R. 103-825 of the Commission's rules to intervene and be made a party of record in the above-referenced proceeding. In support of this Petition, it would respectfully show:

1. The South Carolina Coastal Conservation League is a not-for-profit organization with over 4000 members, whose mission is to protect the natural environment of South Carolina and to enhance the quality of life of our communities by working with individuals, businesses and government to ensure balanced solutions. Members of the South Carolina Coastal Conservation League are ratepayers and stockholders of Duke Energy. They breathe the air, drink the water, and use and enjoy natural resources in the vicinity of the proposed Lee project. They are informed and believe these interests may be adversely affected by the approval of this Application

and by the construction and operation of the proposed facility as presently proposed.

2. The South Carolina Coastal Conservation League believes a proper balance of traditional generation, renewables, and energy efficiency will result in a healthy, more prosperous and more secure South Carolina. South Carolina now has a window of opportunity to rethink not only how we use energy, but also where that energy will come from. Unless we act now, critical opportunities may be lost, including near term job creation and economic development, a smooth transition to a new energy reality, and the preservation of the health of our natural resources and residents. CCL recognizes that natural gas, coal, and nuclear are and will continue to be part of our energy mix, but we also encourage energy policies that will lead to a more secure and prosperous clean energy future for the Palmetto State. South Carolina's energy future has yet to be determined, but the decisions we make in the next few years regarding power generation will have long lasting implications for public health, our economy, our national security, and our environment.

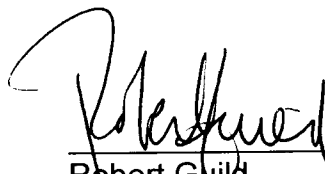
3. The South Carolina Coastal Conservation League questions the prudence of moving forward with Duke Energy's request to incur an additional \$229 million in pre-construction costs for the Lee nuclear project. Without a license from the US Nuclear Regulatory Commission and without a commitment from potential partners to share future costs and generation capacity, we believe it is unreasonable and imprudent at this time to burden the rate payers of South Carolina with these significant pre-construction costs associated with a facility whose completion remains uncertain. The recent tragic nuclear accident in Japan heightens the uncertainty surrounding nuclear projects in the United States and South Carolina. As Duke Energy's CEO Jim Rogers

stated in a recent interview, "Common sense tells me that the (Japanese) nuclear accident is going to force some rethinking of the role of nuclear." Early responses from countries including Germany and China have been to take reactors offline and begin to reassess the safety and prudence of current nuclear construction projects. Myriad alternatives exist to moving forward with incurring additional pre-construction costs for the Lee project at this time. Santee-Cooper is actively seeking other partners to share ownership of SCANA's V.C. Summer nuclear project. Duke's most recent Integrated Resource Plan (IRP) demonstrates an opportunity to meet more of their projected demand growth with higher levels of energy efficiency; which, together with a more robust renewable energy portfolio in South Carolina, could all play a significant role in making the Lee nuclear generating project unnecessary. Lastly, we maintain grave concerns about the actions by Duke Energy towards transforming the Lee project into a merchant nuclear plant by selling an ownership option at Lee to Jacksonville Electric Authority. The inherent economic and environmental risks associated with new nuclear investment and construction should not be borne by South Carolina ratepayers and residents for the benefit of a Florida utility

4. Pursuant to S.C. Code Ann. Section 58-33-225, the Amended Project Development Application of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs should be denied where the Applicant has failed to establish that the decision to incur these preconstruction costs related to the potential nuclear plant is prudent, considering the information available to the utility at the time and considering the other alternatives available to the utility for supplying its generation needs. Further, the Application should be denied where the Applicant has

failed to fully and accurately describe and establish the plant being considered, including the annual capacity factor of the proposed plant, the need for the generation capacity represented by the potential plant, and the reasonableness and prudence of the potential fuel sources and potential generation types represented by the proposed plant.

WHEREFORE: for the foregoing reasons, the South Carolina Coastal Conservation League , on behalf of its members who will be adversely affected by the approval of the subject Application, hereby petition the Commission pursuant to R. 103-825 of the Commission's Regulations to intervene and be made a party of record in the above-referenced proceeding; and, pursuant to S.C. Code Ann. Section 58-33-225, respectfully urge the Commission to deny the Amended Project Development Application of Duke Energy Carolinas, LLC for Approval of Decision to Incur Nuclear Generation Pre-Construction Costs.

A handwritten signature in black ink, appearing to read "Robert Guild", is written over a horizontal line.

Robert Guild
314 Pall Mall
Columbia, South Carolina 29201
(803) 252 1419
ATTORNEY FOR PETITIONERS
COASTAL CONSERVATION LEAGUE

March 18, 2011

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2011-20-E

In the Matter of)

Amended Project Development Application of)
Duke Energy Carolinas, LLC for Approval of)
Decision to Incur Nuclear Generation Pre-)
Construction Costs)

Certificate of Service

I hereby certify that on this date I served the above Petition to Intervene by placing copies of same in the United States Mail, first-class postage prepaid, addressed to:

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March 18, 2011



Robert Guild